

# THE DIAMOND DRILL.

M. ATKINSON, EDITOR AND PROPRIETOR.

A Weekly Journal Devoted to the Various Interests of Iron County.

SUBSCRIPTION, \$2.00 A YEAR, IN ADVANCE.

VOLUME I.

CRYSTAL FALLS, IRON COUNTY, MICHIGAN, SATURDAY, FEBRUARY 5, 1887.

NUMBER 3.

WAIT! WAIT!  
FOR WHOM?  
WHY

"MAX"

The Clothier,

Who will open a

GENTLEMENS'  
OUT-FITTING ESTABLISHMENT,

Consisting of

MENS', YOUTHS', BOYS' AND CHILDRENS'

CLOTHING,

Gents' Furnishing Goods,

HATS AND CAPS,

Boots and Shoes, Trunks, Valices, Etc., Etc.,

on or about

March 1, 1887,

In Mr. M. J. Lindsay's Building, next door to  
J. L. Kimball & Co's drug store,

Crystal Falls, - - - Michigan.

My Motto will always be

DEALING.

GOOD GOODS.

LOWEST PRICES.

Yours for business,

"MAX," the Clothier.

WANTED.—A good salesman. Must  
speak the French language. Address,  
MAX BERLOWITZ, Iron Mountain, Mich.

CRYSTAL FALLS IRON CO.,  
S. D. Hollister, Supt.,  
Village Lots for Sale.  
CRYSTAL FALLS, IRON COUNTY, MICH.

A. A. METCALF,  
Physician and Surgeon.  
CRYSTAL FALLS, - - MICHIGAN.

H. C. KIMBALL,  
Physician and Surgeon.  
Office in J. L. Kimball & Co's drug store.  
CRYSTAL FALLS, - - MICHIGAN.

C. T. CRANDALL,  
Attorney-at-Law.  
CRYSTAL FALLS, - - MICHIGAN.

W. H. HURLEY,  
Attorney-at-Law,  
and solicitor in Chancery. Collections promptly  
attended to.  
IRON MOUNTAIN, - - MICHIGAN.

S. D. HOLLISTER,  
DEALER IN  
Iron Lands and Options.  
Correspondence solicited.  
CRYSTAL FALLS, - - MICHIGAN.

N. LACHAPELLE,  
Restauranter,  
And dealer in canned goods, fruits, fancy groceries,  
cigars, tobacco, candies, etc. Ice  
cream and oyster parlors. Open  
in season, served all ways.  
CRYSTAL FALLS, - - MICHIGAN.

JOSEPH TROMBLEE,  
Tonsorial Artist.  
Hair cutting done in the latest styles. Razors  
sharp and chairs comfortable. Shop  
adjoining Stephenson house.  
CRYSTAL FALLS, - - MICHIGAN.

RALPH M. ATKINSON,  
STATE AGENT FOR THE  
Universal Button Fastener,  
Manufacturer of Lightning Ink Eraser. Office in  
The Diamond Drill block.  
Agents Wanted.  
CRYSTAL FALLS, - - MICHIGAN.

THOMAS O'CONNOR,  
Sample Room.  
Dealer in choice domestic and imported wines,  
liquors and cigars.  
CRYSTAL FALLS, - - MICHIGAN.

## COUNTY SEAT.

THE IRON COUNTY EMBROGLIO IS  
NEARLY TO AN END.

The Board of County Canvassers of Votes  
will be made to Obey Orders—The Opin-  
ion of the Supreme Court—Copy of  
Peremptory Writ of Mandamus.  
Crystal Falls, "County Seat"  
of Iron County, Sounds  
Well—Iron River don't  
Favor the Removal.

As stated last week, the board of canvassers of Iron county will be compelled to meet and canvass the votes cast at the election in November, 1886, to decide the permanent location of the county seat of Iron county. Iron river, the present capital of Iron county, has tried every available means to prevent the removal of the county seat, but as will be seen their efforts will amount to naught. No votes were cast there on the matter in question at the last election, claiming that they received no legal notice of an election to be held. The election notice was forwarded to the proper persons there and there is still a question whether it was received or not. Be that as it may, the votes will be canvassed and the town receiving the majority of them will be the future county seat. The canvassing of the votes is equivalent to the speedy removal of the much-talked of county seat of Iron county from Iron River to Crystal Falls. The writs of mandamus were received by Under-Sheriff Prince on Wednesday evening and on Thursday noon he set out to serve them on the parties named, composing the board of canvassers. The members of the board are B. McLaughlin, chairman, Felch; Frank Scadden, secretary, Mastodon; C. T. Roberts, Crystal Falls; Henry Lyng, Stambaugh; James Keehan, Iron River; Ferdinand L. Kleyenstuber, Bates. The appended is a copy of the peremptory writ of mandamus:

In the name of the people of the state of Michigan: To Barney McLaughlin, chairman; Frank Scadden, secretary; E. L. Kleyenstuber, C. T. Roberts, James Keehan and Henry Lyng, members, together constituting the board of canvassers provided for by section four of an act entitled "an act to organize the county of Iron and the townships of Bates and Mastodon in said county of Iron," provided April 3, 1885, we do hereby command and firmly enjoin that you, immediately after the receipt of this writ, you do, without delay, meet forthwith, or as soon after service of this writ as is practicable, at the office of the county clerk, in the village of Iron River, and forthwith proceed to canvass and certify the votes as returned to said board of canvassers herein named, as cast at the election held in November, 1886, upon the question of the establishment of the county seat of Iron county, and forthwith to proceed to perform all of the duties and make all the counts and certificates and complete all other proceedings required by statute to be done by said board of canvassers, and file all papers and certificates required to be filed at all places and with all officers mentioned in the statute under which said board of canvassers are required to meet and act, that the same complaint may not, by your default, be again repeated to us, and how you shall have executed this our writ, make known to us, before our Supreme court, at the city of Lansing, on Tuesday, April 5, 1887, upon peril that may fall thereon.

Witness, the Hon. James V. Campbell, chief justice of our Supreme court at Lansing, this 31st day of January, in the year of our Lord one thousand, eight hundred and eighty-seven.  
CHAR. C. HOPKINS, clerk.

Regarding this matter of so great importance to the people, the Supreme court of the state of Michigan presents the following opinion, which was placed on file January 27, 1887:

ATTORNEY GENERAL EX REL CYRUS T. CRANDALL, PROSECUTING ATTORNEY OF IRON COUNTY, vs. THE BOARD OF COUNTY CANVASSERS OF VOTES FOR LOCATING THE COUNTY SEAT OF IRON COUNTY.

Chief Justice Campbell delivered the opinion of the court:

By act number thirty-five of the laws of 1885, (L. 1885, p. 32) under which the county of Iron was organized, it was provided that the temporary county seat should be at Iron River until the permanent county seat should be fixed as in said act provided. The act further requires that the permanent county seat should be determined by vote at the next general state election, which would occur in 1886, when the qualified voters were to cast their ballots for such places as they should designate, and the place receiving the highest number of votes should be the permanent county seat. These votes were to be canvassed by a board consisting of persons appointed on the day of election by the several boards of township inspectors, who were to meet at Iron River on the second Tuesday succeeding the election and canvass them. It was made the duty of the secretary of said board to "file a certificate of the number of votes cast for each location voted for, for said county seat, and a certificate of the places designated and selected by said voters, signed and certified by himself as secretary, and countersigned by the chairman, with the secretary of state and with the township clerks of the several townships in said county."

This board met and organized and adjourned without canvassing the votes. A

mandamus is now asked to compel them to meet and make the canvass.

The returns do not deny that they met and adjourned without day, and claims that having done so, they have gone out of office and have no further functions.

They further claim that no legal votes were cast, the only intelligible ground for this claim being the alleged invalidity of the statute. They also claim that no legal ballots were cast for the place which received the majority of all the votes cast at the election which were for "Crystal Falls," because there is such a township of large dimensions, and no definite place named within it. They also claim that no notice was given of the general election, and that separate boxes were provided for county seat ballots. And they undertake to set up various other reasons resting on alleged frauds and irregularities in the election at different precincts.

Before considering the statute as regards its legal validity it is proper to refer to the various methods attempted by respondents to avoid the performance of their legal duties. This statute defines who shall be canvassers, and respondents are the canvassers provided for. It requires them to organize with chairman and secretary, which they also have done. It then imposes upon them the single and specific duty of canvassing the votes certified by the election officers and certifying the number of votes cast for each location and the place designated. They are not a judicial or quasi judicial body. They are not a permanent body with administrative functions. They are created for a single occasion and for a single object. They have no means given them to inquire and no right to inquire beyond the returns of the local election boards. They have no right to raise outside issues to decide themselves or to ask us to decide. When they have figured up the returns exactly as handed over to them, they have completed their task and exhausted their powers. Until they have done so they have no right to dissolve their meeting. They can only get out of their office by completing its work. It would be worse than absurd to allow a board of canvassers to defeat the popular will and destroy an election by refusing or neglecting to do what the law requires them to do. They may bring themselves within the punishment of the law by such misconduct, but they can not destroy the vote.

We do not very well see what they have to do with inquiring whether the ballot boxes were separate or single, nor is it their function to inquire into the geographical character of the vote. But we have no doubt that a separate ballot box was lawful and more convenient than any other. This is expressly provided for on votes to remove county seats. (Howell statute, 491.) Neither is there any difficulty in holding that the vote for Crystal Falls means the settlement of that name. The law does not require the county seat to be on a particular village or city lot or square, although there have been some instances of that kind. And it can not be presumed that as between a large territory and a fixed settlement the location was meant to be at large and not definite.

The statute makes the time and occasion imperative. It is required to be at the next general state election. Where such a direction is given it can not be made nugatory by any failure to give notice. Every one is bound to take notice of what the statute requires. (People vs. Hartwell, 12 Mich., 508; People vs. Withers, 14 Mich., 48.)

An objection is also made to the jurisdiction of this court because it is claimed that the proceeding to fix the county seat is a political one and does not involve judicial questions. The cases referred to by the counsel are those where certain non-judicial bodies are given the determination and management of various public affairs and given powers of final judgment. Such is the case where proceedings have been regularly carried to an election under the statutes relating to the removal of county seats. (Attorney General vs. Supervisors of Lake county, 33 Mich., 289; Attorney General vs. Supervisors of Benzie county, 34 Mich., 211; Hipp vs. Supervisors of Charlevoix, 29 N. W. R., 77.)

But it is within the province of courts to restrain public bodies and officers of counties and other municipal divisions from exceeding their jurisdiction, and also to require them to perform such specific duties as the law imposes on them. The power to review action which is not judicial is in no way similar to the power to keep respondents within the line of their duty. This jurisdiction is constantly exercised and the doctrine too elementary to discuss. Every term of court presents instances of such interference.

The only really pertinent question presented is whether the law itself is valid. The clause of the constitution supposed to stand in the way is section eight of article ten, which declares that "no county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by two thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location in such manner as shall be presented by law."

It is not seriously contended and could not be under our constitution, that the legislature may not make such provisions as they see fit for the original establishment of the county seat of any county. (Rice vs. Shay, 43 Mich., 380.) But it is claimed that the statute of 1885 established the county seat of this county at Iron River, and so exhausted its power.

It is very clear that this was not the purpose of the act. It is impossible to get county business started efficiently without some place where it is temporarily centralized. Sometimes this is done

Continued on page 5.

## ABOUT MINES.

THE TITLES OF FOUR GREAT GOGEBIC MINES DISPUTED.

The Ashland, Norrie, Aurora and Pabst Mines to Figure in a big Law Suit Investigated by Angus Smith—About the Gogebic Mining Co's Work—Hard Ore—Shelden & Dunn's New Mine—The Stephenson not yet Sold—Out-put for 1885—Other Notes.

According to the Norway Current, the Stephenson mine has not been sold, as was reported.

It is said there is only one man in this whole great mining country, that can distinguish Bessemer from a non-Bessemer ore by simply looking at it. His name is Floyd and he is a resident of the Marquette Range.

Indications are that a vast amount of exploratory work will be done in the immediate vicinity of Crystal Falls during the present year. Experienced explorers are in good demand and from all appearances, next summer will be the best one this Range ever saw, this end of it more particularly.

The ore from Luke Welch's find on section twenty-one, township forty-three, range thirty-two, is of so hard a nature that it will cut glass. A miner who worked on the property tells the writer that it required two hammers going continually for four hours, to drill a two foot hole in the ore. A specimen can be seen at this office.

We predict that within three years ore will be shipped from Manistique. Our harbor is open one month earlier in the spring and keeps open weeks later than any other port at this end of the lake, and railroad men know it. In fact, there are but few days in the year that vessels can not enter or depart from this point. We are seldom blocked by ice.—Manistique Pioneer.

The United States geological survey has recently issued a report on the mineral resources of the United States for 1885. The total mineral product is valued at \$428,521,356, an increase of \$15,306,608 over 1884. From the present outlook, says the report, it is probable that the total output of 1886 will prove much greater than 1885 and even greater than the prosperous year of 1882.

Messrs. Sheldon and Dunn have got a mine on section twenty-one, township forty-three, range thirty-two, if the writer's observation serves him rightly. An out-cropping was found on the hill and these gentlemen began the sinking of a test pit about one hundred feet east of it, which has been lowered thirty-five feet, fourteen of which are in ore. Another shaft has been commenced one hundred feet south of the out-crop. The ore is a soft hematite. Several more pits have been put down until reaching the ledge. It is impossible to determine the dip of the vein, as it has in each pit a different dip, the formation being in a very irregular condition. The width, depth nor length has not yet been defined.

Explorations on section twenty-two, township forty-three, range thirty-two, the Gogebic Mining Co's, are progressing about as usual. The writer visited the property and was kindly shown about by Captain Weber, in charge. No less than thirty pits have been put down at various points along the formation and fourteen of them are in ore. The formation has an east and west course and is very much contorted. Sufficient work has been done to prove that there is ore in quantity there, but it lies deep. Both walls have been found and there is an average of one hundred and twenty-five feet between them, showing that the vein when found in place, will be a large one. Six feet below the surface lies a layer of as pretty blue ore as one wants to see, this is, however, only six feet deep, when a mixture of limestone and slate is encountered. This formation gradually disappears and lean ore is found, which improves as depth is attained. At present none of the pits are over forty feet deep for the reason that at that depth water is reached and that puts an end to further lowering. Several of the deeper pits are in ore of a marketable quality. A boiler and pump will be probably moved onto the property in a week or ten days, when the workings will, no doubt, be shown up for all they are worth. A notable feature of the ore taken out of the bottom of the deeper pits, is its being slightly mixed with limestone, which comes to good account for fluxing in smelting the product. Explorations were commenced in June

Continued on page 4.